

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FILED

CIVIL ACTION

DENIS CALDERON

JUN 14 2007

v.

MICHAEL E. KUNZ, Clerk
By _____, Dep. Clerk

THOMAS H. HOGAN, et al.


NO. 06-1012

ORDER

AND NOW, this 14th day of June, 2007, upon consideration of the Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 and respondent's opposition thereto, and after review of the Report and Recommendation of United States Magistrate Judge L. Felipe Restrepo, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DISMISSED as time-barred;
3. A certificate of appealability should not issue since, for the reasons set forth in the Report and Recommendation, petitioner has failed to show that a reasonable jurist could conclude that the Court is incorrect in dismissing the petition as time-barred.

BY THE COURT:



JOHN P. FULLAM, J.